IN THE HIGH COURT OF JUDICATURE, MADHYA PRADESH :

JABALPUR

1001—

WRIT PETITION NO. 5094 OF 2000

PETITIONER : U.K. SHRIVASTAVA,
Son of late J.K. Shrivastava,
Aged about 60 years,
Professor, "Vanijya Vibhagadhyaksh,
Durga Mahavidhyalaya Raipur,
R/o Near Old Labour Court, Anand Nagar,
Raipur, District- Raipur (M.P.).

VERSUS

RESPONDENTS :

1. The State of Madhya Pradesh,
Through- Secretary,
Higher Education Department,
Vallabh Bhawan Bhopal (M.P.).

2. Commissioner,
Higher Education Department
Hindi Bhawan, Shyamla Hills
Bhopal (M.P.).

3. Durga Education Society,
Through- it's President,
Durga Mahavidhyalaya Campus,
Moudhapara, Raipur (M.P.).

4. Principal,
Durga Mahavidhyalaya, Raipur,
District- Raipur (M.P.).

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

OATH COMMISSIONER
Smt L. D. PATEL
B.A. LL.B.
28-8
JABALPUR

CONTD....2.

HIGH COURT OF CHHATTISGARH : BILASPUR

Division Bench

Coram : **Hon'ble Shri H.L. Dattu, CJ &**
Hon'ble Shri V.K. Shrivastava, J

WRIT PETITION NO. 5074/2000

PETITIONER U.K. Shrivastava

Versus

RESPONDENTS The State of Madhya Pradesh & Others

Present :

Shri P.K.C. Tiwari, Sr. Advocate with Shri Shashibhushan, counsel for the petitioner.

Shri Prashant Mishra, Addl. Advocate General for the State/ respondents No.1 and 2.

Shri Kishore Bhaduri, counsel for respondents No.3 and 4.

ORAL ORDER

(Passed on 22nd February, 2007)

The following oral order of the Court was passed

H.L. Dattu, C.J.

In this petition filed under Article 226/227 of the Constitution of India, petitioner, who was working as a Professor in Durga Mahavidyalaya, Raipur/respondent No.4, has called in question the correctness or otherwise of the communication issued to him by the respondents on 25-8-2000.

2) The relief sought in the writ petition is to quash the impugned order Annexure-P/4 and further permit him to perform his duties till he attains the age of 62 years.

3) During pendency of the petition, by virtue of the interim order granted by this Court petitioner continued to work till attaining the age of superannuation; namely 62 years.

4) Since the petitioner is now retired from service after attaining the age of superannuation, the relief sought for by the petitioner would not survive for consideration of this Court.

5) Shri Tiwari, learned counsel appearing for the petitioner would submit that the petitioner is entitled for the salary during the period he was prevented from discharging the duties in the respondent College.

6) Per contra, learned counsel appearing for the respondents would submit that the petitioner in this writ petition has not prayed for the aforesaid relief.

7) In our view, in view of the efflux of time, the relief sought for by the petitioner would not survive for consideration of this Court, therefore, the petition requires to be disposed of as having become infructuous. However, liberty requires to be granted to the petitioner to approach the respondent authorities for payment of salary during the period he worked in the respondent College. Accordingly, the following :

Order

1) The petition is disposed of as having become infructuous. However, liberty is reserved to the petitioner to make an appropriate representation before the fourth respondent for payment of salary during the period he was prevented from discharging his functions as a Professor of the Institution.

2) If and when such a representation is made, the fourth respondent is directed to consider the same and pass appropriate orders in accordance with law after affording an opportunity of hearing to the petitioner.

3) Ordered accordingly.

Sd//-
V.K.Shrivastava
Judge

Sd/-
Chief Justice